

are North Latitude 36-24-06 and West Longitude 103-12-18. With this action, this proceeding is terminated.

DATES: Effective March 8, 1991. The window period for filing applications will open on March 11, 1991, and close on April 10, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-459, adopted January 9, 1991, and released January 22, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 272C3 at Clovis.

Federal Communications Commission.

Andrew J. Rhodes,
Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-1957 Filed 1-25-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-473; RM-7392]

Radio Broadcasting Services; Edenton and Scotland Neck, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Lawrence F. and Margaret A. Loesch, substitutes Channel 273C2 for Channel 272A at Edenton, North Carolina, and modifies their license for Station WZBO-FM to specify operation on the higher powered channel. In addition, the Commission substitutes Channel 238A for Channel 274A at Scotland Neck, North Carolina, and

modifies the construction permit of Station WWRT to specify operation on the alternate Class A channel. See 55 FR 45231, November 2, 1990. Channel 273C2 can be allotted to Edenton in compliance with the Commission's minimum distance separation requirements with a site restriction of 18.6 kilometers (11.6 miles) southeast to avoid a short-spacing to Station WHLQ, Channel 273A, Louisburg, North Carolina, and to accommodate petitioner's desired transmitter site. The coordinates for Channel 273C2 at Edenton are North Latitude 35-55-52 and West Longitude 76-31-34. Channel 238A can be allotted to Scotland Neck in compliance with the Commission's minimum distance separation requirements and can be used at the site specified in Station WWRT's outstanding construction permit. The coordinates for Channel 238A at Scotland Neck are North Latitude 36-08-09 and West Longitude 77-26-09. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 11, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-473, adopted January 14, 1991, and released January 23, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 272A and adding Channel 273C2 at Edenton, and by removing Channel 274A and adding Channel 238A at Scotland Neck.

Federal Communications Commission.

Andrew J. Rhodes,
Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-1959 Filed 1-25-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 90-100; FCC 91-7]

Relocation of the Novice and Technician Operator Class Frequency Segment Within the Amateur Service 80 Meter (m) Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action relocates the Novice and Technician Operator Class control operator frequency privileges in the Novice segment of the 80 m amateur service band from 3700-3750 kHz to 3675-3725 kHz. The rule changes are necessary because beginning radiotelegraphers need a relatively interference-free frequency segment. The effect of the rule changes is to reduce interference in the 80 m Novice segment so that it can be used by beginners to improve their telegraphy skills.

EFFECTIVE DATE: March 16, 1991.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted January 4, 1991, and released January 18, 1991. The complete text of this Commission action, including the rule amendments, is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239), 1919 M Street, NW., Washington, DC. The complete text of this Report and Order, including the rule amendments, may also be purchased from the Commission's copy contractor, Downtown Copy Center (DCC), (202) 452-1422, 1114 21st Street, NW., Washington, DC 20036.

Summary of Report and Order

1. The Amateur Service Rules have been amended to relocate Novice and Technician Operator Class control operator frequency privileges in the 80 m amateur service band from the 50 kHz segment at 3700-3750 kHz to the segment at 3675-3725 kHz. The Commission said that the rule changes would reduce the amount of mutual

interference in at least a part of the 80 m Novice segment caused by United States amateur stations transmitting telegraphy at the same time that Canadian amateur stations are transmitting telephony. The Commission also said that Novice and Technician operators would have more opportunities to improve their telegraphy skills in a setting where there was a minimum of interference.

2. The American Radio Relay League, Inc. suggested that the Novice segment be expanded by 25 kHz. The Commission declined to do so because Novice and Technician operators would have to share the entire expanded 80 m Novice segment with United States amateur stations using higher power, as well as with Canadian telephone stations. The Commission said that,

given those circumstances, it was likely that there would be more, not less, interference in an expanded 80 m Novice segment.

3. The amended rules are set forth at the end of this document.

4. The action taken herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520, and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements and will not increase or decrease burden hours imposed on the public.

5. The amended rules are issued under the authority of 47 U.S.C. 154(i) and 303 (c) and (r).

List of Subjects in 47 CFR Part 97

Frequencies, Interference, Radio.

Amended Rules

Part 97 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. The line entry for the 80 meter band in the table in § 97.301(e) is revised to read as follows:

§ 97.301 Authorized frequency bands.

* * * * *

(e) * * *

Wavelength band	ITU region 1	ITU region 2	ITU region 3	Sharing requirements. See § 97.303, (paragraph)
HF	MHz	MHz	MHz	
80 m.....	3.675-3.725	3.675-3.725	3.675-3.725	(a)

* * * * *

3. Section 97.313(c)(1) is revised to read as follows:

§ 97.313 Transmitter power standards.

* * * * *

(c) * * *

(1) The 3.675-3.725 MHz, 7.10-7.15 MHz, 10.10-10.15 MHz, and 21.1-21.2 MHz segments;

* * * * *

Federal Communications Commission.
Donna R. Searcy,
Secretary.

[FR Doc. 91-1950 Filed 1-25-91; 8:45 am]
BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 519

[APD 2800.12A, CHGE 21]

General Services Administration Acquisition Regulation; Subcontracting Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) (APD 2800.12A) chapter 5, is amended by adding paragraph (b)(4) to section 519.202-2 to indicate that Business Service Centers, where

practical, will use the Small Business Administration's Procurement Automated Source System (PASS) to locate small business sources; to amend section 519.202-5 by revising paragraph (b) to update the reference to GSA Order ADM 2800.17A; to revise section 519.500 by clarifying the exception to the requirements for review of non-set-aside determinations for procurements made under the Small Business Competitiveness Demonstration Program; to amend section 519.704 by revising subparagraph (a)(3) to clarify the fact that goals in individual plans for contracts with options must establish separate goals for the basic contract and each option period; to amend section 519.705-4 by revising paragraph (c), by redesignating paragraph (d) as paragraph (f) and adding a new paragraph (d) to provide guidance on dealing with contracts with option provisions, and by adding paragraph (e) to incorporate material previously contained in GSA Acquisition Letter V-89-11; to amend section 519.705-5 by revising the text of the letters in paragraphs (c) and (d) to conform to the FAR as amended by Federal Acquisition Circular (FAC) 84-58; to amend section 519.706-70 by deleting paragraph (a) and revising paragraph (f) to delete the second sentence and substitute guidance regarding analyzing the contractor's explanation for not achieving goals, by deleting paragraph (g)(4) because information has been

revised and relocated, redesignate all paragraphs, and by adding a new paragraph (g) to provide instructions for notifying the Office of Small and Disadvantaged Business Utilization (AU); to amend section 519.770-1 by revising paragraphs (ii) and (iii) in paragraph (b)(1) and paragraph (ii) in paragraph (b)(2) to conform to the FAR as amended by FAC 84-58; and to make editorial changes in sections 519.302 and 519.704(a)(2) and (a)(3).

EFFECTIVE DATE: February 4, 1991.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Office of GSA Acquisition Policy (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the Federal Register for public comment because it primarily provides internal operating procedures to GSA contracting personnel regarding subcontracting programs and implements the requirement in Federal Acquisition Circular (FAC) 84-58 for reporting subcontracting with women-owned small business concerns.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The rule

provides guidance to GSA contracting personnel and has no impact on the public.

C. Paperwork Reduction Act

The rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Part 519

Government procurement.

PART 519—[AMENDED]

1. The authority citation for 48 CFR part 519 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 519.202-2 is amended by adding paragraph (b)(4) to read as follows:

519.202-2 Locating small business sources.

(b) * * *

(4) Whenever practical, access the Small Business Administration's (SBA) Procurement Automated Source System (PASS) to locate small business sources.

3. Section 519.202-5 is amended to revise paragraph (b) to read as follows:

519.202-5 Data collection and reporting requirements.

(b) Each contracting office must submit the GSA Form 3077, FY 19____, Procurement Preference Program Goal Achievement, to the SBTA quarterly in accordance with GSA Order, GSA Form 3077, FY 19____ Procurement Preference Program Goal Achievement (ADM 2800.17A).

4. Section 519.302 is revised to read as follows:

519.302 Protesting a small business representation.

If SBA determines that an offeror is not a small business and there is evidence that the offeror knowingly misrepresented itself as a small business, the contracting officer shall refer the matter to the Inspector General (I) for investigation.

5. Section 519.500 is revised to read as follows:

519.500 Scope of subpart.

The requirements in this subpart for setting aside acquisitions and for reviewing non-set-aside determinations do not apply to construction, architectural and engineering, or trash/garbage collection services estimated to exceed \$25,000 that are acquired under the Small Business Competitiveness Demonstration Program during periods

when goals are being met and contracting officers are required to contract for such services using unrestricted procedures. (See FAR 19.10.) However, contracts for these services may be awarded under the 8(a) program.

6. Section 519.704 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

519.704 Subcontracting plan requirements.

(a) *Subcontracting goals.*

(2) Although there may be no known small or small disadvantaged business concerns that furnish the products or services required by a prospective contractor at the time a subcontracting plan is developed, a zero goal is not acceptable. A contractor is expected to make continuing efforts during the contract period to locate and identify newly emerging small and small disadvantaged business concerns as potential suppliers. Additionally, there may be subcontracting opportunities in the area of indirect costs.

(3) Goals in individual plans for multiyear contracts or contracts with options to extend the period of performance may be established for a period less than the full term of the contract (including options) when it is impractical to establish goals for the full term. However, the plan must include a schedule for establishing goals for the balance of the term of the contract and must establish separate goals for each option (see FAR 19.704(c)).

7. Section 519.705-4 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (f) and revising newly redesignated paragraph (f)(1), and adding new paragraphs (d) and (e) to read as follows:

519.705-4 Reviewing the subcontracting plan.

(c) The contracting officer shall question an offeror's proposed subcontracting goals when it appears that the goals, viewed against the criteria expressed at FAR 19.705-4(d), appear to offer less than the maximum practical opportunities for small and small disadvantaged subcontractors.

(d) When the subcontracting plan covers one or more options and the contracting officer determines that an option offers no subcontracting opportunities, the basis for the determination must be included either on GSA Form 3584 or as an attachment thereto, before it is forwarded to the SBTA and the SBA/PCR for review. If

the option only adds work of the same or similar nature being performed by a large business subcontractor under the basis contract, a determination that the option offers no subcontracting opportunities for small and small disadvantaged business concerns still must be included either on GSA Form 3584 or as an attachment thereto.

(e) The contracting officer shall require that an offeror document in its subcontracting plan the steps to be taken to identify subcontracting opportunities for small and small disadvantaged business concerns and encourage the offeror to outline the steps it plans to take to ensure a good faith effort is made to achieve the small and small disadvantaged business subcontracting goals. Except for commercial product plans approved by another Federal agency, the contracting officer and the offeror should agree to criteria which, expressed in the subcontracting plan, will demonstrate the contractor's "good faith effort."

(f)(1) Before determining the responsibility of an offeror on a contract requiring a subcontracting plan, the contracting officer shall review the offeror's compliance with previous subcontracting plans, if any, approved by the GSA contracting ability, including the contractor's performance in submitting subcontracting reports in a timely manner. The findings must be documented on the GSA Form 3584, Checklist for Review of Subcontracting Plan, in the "Remarks" block or on an attachment to the GSA Form 3584 before forwarding it to the SBTA and the SBA/PCR for review.

8. Section 519.705-5 is amended as follows:

a. The letter in paragraph (c) is amended by revising the second, third, and fourth paragraphs and adding a new paragraph to precede the current fourth paragraph:

b. The letter in paragraph (d) is amended by revising the second paragraph and adding a new paragraph immediately following the second paragraph.

519.705-5 Awards involving subcontracting plans.

(c) * * *

The SF 294 report is used to report subcontracting activity under this contract. The report is due semiannually and must be submitted by April 30 for the reporting period October 1-March 31 and October 30 for the reporting period April 1-September 30. A separate report is required at contract completion.

The SF 295 report is used to report total subcontracting activity under all of your GSA contracts. The report shall be submitted annually and cover the period October 1–September 30 (the Government fiscal year). The report is due on or before October 30th of each year. A new reporting cycle begins October 1st of each year.

Please note the requirement on the SF 295 to report your subcontracting with women-owned small business concerns.

The SF 294 report must be submitted to: (address of contracting office administering the contract), with a copy to: (address of SBTA). Forward the SF 295 to the GSA Office of Small and Disadvantaged Business Utilization, (AU), 18th and F Streets, NW., Washington, DC 20405.

(d) * * *

The SF 295 is an annual report and is due on or before October 30th of each year. The reporting period is October 1–September 30, i.e., the Government fiscal year. The report should summarize subcontracting activity under plans for commercial products in effect during the reporting period.

Please note the requirement on the SF 295 to report your subcontracting with women-owned small business concerns.

Forward this report to: (address of contracting office administering the contract); and send a copy to the GSA Office of Small and Disadvantaged Business Utilization (AU), 18th and F Streets, NW., Washington, DC 20405.

9. Section 519.706–70 is revised to read as follows:

519.706–70 Monitoring contractor compliance with subcontracting plans.

(a) The contracting officer administering contracts with subcontracting plans shall monitor receipt of SF 294 reports for individual contract plans or SF 295 reports for company-wide plans and review the reports for progress in meeting subcontracting plan goals by comparing the reports with the plan. If percentage goals are not met, the contractor must be required to explain the shortfall in the "Remarks" block on the subcontracting reports and may be required to submit evidence of its outreach efforts to locate and provide subcontracting opportunities to small business and small disadvantaged business concerns. The requirement for compliance with plans may be fulfilled by evidence of satisfactory outreach efforts, as described in the plan, as well as by meeting plan goals. The contracting officer responsible for monitoring receipt of the reports shall also obtain delinquent SF 295 reports from contractors for both individual and company-wide plans upon request from AU.

(b) After completion of contracts with individual contract plans, SBTA's shall forward a copy of the final SF 294 reports to AU within 20 days after the end of each quarter. If the contractors are delinquent in submitting the reports, the SBTA's shall request the contracting officers administering the contracts with the plans to obtain the reports and send them a copy.

(c) In the case of commercial products plans approved by GSA, the first contracting officer who enters into a contract with a company during the company's fiscal year approves the plan and monitors receipt of reports and compliance with the plan. This responsibility is generally assigned to the ACO if contract administration is delegated. Subsequent GSA contracts awarded during the company's same fiscal year and incorporating the previously approved plan will not require submission of subcontracting reports.

(d) In the case of commercial products plans approved by another agency, the first GSA contracting officer entering into a contract with the company during the company's same fiscal year in which the plan was approved requires the contractor to submit the SF 295 report and monitors receipt of the report. No other monitoring of this plan is required by GSA.

(e) Contractor compliance with plans must be documented in the contract file in accordance with FAR 19.706 and must be considered by the contracting officer when determining contractor responsibility for future awards. Before determining that a contractor's failure to achieve the subcontracting goals was occasioned by bad faith, the contracting officer shall analyze the explanations required by paragraph (b) above or provided pursuant to FAR 19.706 and the criteria established in the subcontracting plan pursuant to 519.705–4(e).

(f)(1) Contractors who fail to submit SF 294 and SF 295 reports within 10 days of the due date must be reminded in writing that the report is past due.

(2) Contractors who do not respond to the first notice must be issued a second written notice by certified mail which must contain the following information:

(i) A statement that the named report has not been received.

(ii) A statement that failure to submit the report is a material breach of the contract (see FAR 52.219–9, Small Business and Small Disadvantaged Business Subcontracting Plan).

(iii) A statement that if the report is not received within 10 days from the

date of the notice, the contracting officer will consider withholding payments as deemed appropriate under the circumstances until the report is received and may terminate the contract for default.

(iv) The contractor is also to be reminded that failure to submit the report may affect its ability to receive future awards from GSA (see FAR 9.104–3(c)) and that willful failure to perform or a history of failure to perform may result in debarment from future contracting with the Government for a period of time (see FAR 9.406–2(b)).

(v) The notice must also contain the address of the contracting officer or administrative contracting officer to whom the report must be sent and instructions that a copy of the report must be sent to AU, if it is a SF 295 report, and to the appropriate SBTA, if it is a SF 294 report.

(3) Copies of delinquency notices concerning SF 295 or SF 294 reports must be sent to AU or the appropriate SBTA, respectively.

(g) In all cases of non-compliance, (including instances where liquidated damages are assessed) the contracting officer shall notify AU through the SBTA.

10. Section 519.770–1 is amended by revising paragraph (a)(2), revising paragraph (b)(1) (ii) and (iii) and paragraph (b)(2)(ii) to read as follows:

519.770–1 Report forms.

(a) * * *

(2) Reports are due semiannually (within 30 days after March 31st and September 30th) and at contract completion.

(b) * * *

(1) * * *

(ii) The reports are annual and should cover the period October 1–September 30 (Government fiscal year). They are due on or before October 30th of each year.

(iii) The reports should include the total subcontracting activity under all GSA contracts held by the contractor, excluding contracts covered by commercial products plan.

(2) *Commercial products plans.*

(ii) Reports are due annually, on or before October 30th of each year. The reports should cover the contractor's

subcontracting activity under company-wide plan for commercial products in effect during the reporting period, which is October 1st to September 30th (Government fiscal year).

Dated: January 15, 1991.

Richard H. Hopf III,
Associate Administrator for Acquisition
Policy.

[FR Doc. 91-1729 Filed 1-25-91; 8:45 am]

BILLING CODE 6820-61-M